

Application No. 10/685,366
Response to OA of 01/26/2006

Remarks

In the present response, twelve claims (1, 12, 14-16, 19-22, 24-25, and 27) are amended. No new matter is entered. Claims 1-32 are presented for examination.

I. Interview

Applicant thanks Examiner D'Agosta for having an interview on January 6, 2006. Applicant has made a sincere effort to put this case in condition for allowance.

II. Claim Rejections: 35 USC § 103

Claims 1 – 31 are rejected under 35 USC § 103 as being unpatentable over US 2002/0069355 (Garrison) in view of US 2002/0077077 (Rezvani) and (Shimada, Wilber, Khouri, Obouchi, Ronen, or Yamazaki). This rejection is traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See M.P.E.P. § 2143*. Applicant asserts that the rejection does not satisfy these criteria. Without conceding whether the first and second criteria have been met, Applicant discusses the third criterion to demonstrate that a *prima facie* case of obviousness does not exist.

The independent claims recite numerous recitations that are not taught or suggested in the art of record. By way of example, Applicant presents arguments with regard to independent claim 1.

Claim 1 recites “wherein verification of only the application ID is sufficient to authorize access to the private database.” Garrison and Rezvani do not teach or suggest at least this element. Garrison appears to teach a complex key exchange between the user and server in order to identify a user and grant access. FIG. 4A is a flow chart illustrating the method of Garrison. The client computer and server utilize a public key exchange to establish a new encryption key (see [0065]). Garrison then states how the access request is performed:

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After receiving the new encryption key from the server 17a, the client 14 encrypts the user's password and log name with the new encryption key and transmits the password and log name to the server 17a

The server 17a compares the log name transmitted by the client 14 with the log name in the password data table entry corresponding with the password. If the log names match, the user of the client 14 is determined to be an authorized user. (See [0066 – 0067]: portions omitted for brevity).

Nowhere does this section or any section of Garrison teach or suggest that verification of only the application ID is sufficient to authorize access to the private database.

Rezvani also does not teach or suggest all the elements of independent claim 1. Paragraph [0004] of Rezvani appears to teach that cellular phones have electronic subscriber numbers (ESNs) that uniquely identify the cellular phone. Paragraphs [0108-0111] of Rezvani teach that various communication links can be used to connect a wireless device with a server. Finally, paragraph [0113] of Rezvani teaches that the wireless device can be various embodiments, such as cellular phones, personal digital assistants, and computers. Notice, however, that nowhere does Rezvani teach or suggest whatsoever that the ESN itself is used to identify the wireless device and provide access to a remote database. In other words, Rezvani teaches that ESNs on cellular phones are known. But, Rezvani never teaches or suggests that only the ESN is sufficient to authorize access to the private database.

Shimada, Wilber, Khouri, Obouchi, Ronen, or Yamazaki fail to cure the deficiencies of Garrison and Rezvani. For at least these reasons, the independent claims and the dependent claims are allowable over the art of record.

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III. Claim Rejections: 35 USC § 103

Claim 32 is rejected under 35 USC § 103 as being unpatentable over Garrison/Rezvani/(Shimada, Wilber, Khouri, Obouchi, Ronen, or Yamazaki) and further in view of USPN 6,178,505 (Schneider). This rejection is traversed.

As noted in section II, Garrison, Rezvani, and (Shimada, Wilber, Khouri, Obouchi, Ronen, or Yamazaki) fail to teach or suggest all the elements of independent claim 27. Scheider fails to cure these deficiencies. Claim 32 depends from claim 27. Thus, for at least the reasons given in section II, dependent claim 32 is allowable.

CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (832)-236-5529.

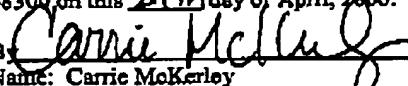
Respectfully submitted,



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CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 24th day of April, 2006.

By 
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